16. When Co-option Fails

Tom Anderson

> *I rejoice that I live in a country where peaceful protest is a natural part of our democratic heritage.*
>
> Tony Blair[1]

> *The right to protest is an important aspect of a democratic society but when people cross the line into criminal activity they should be aware they may well find themselves facing prosecution.*
>
> Rob Turnbull, Chief Crown Prosecutor for North Yorkshire (Speaking before the guilty verdict was passed against twenty-two environmental activists who interfered with the transporting of coal, 2009).[2]

The British government, like all liberal 'democracies', frequently proclaims itself a defender of freedom of expression and assembly. However, this is usually accompanied by the words 'rule of law'. As this article will show, this provides a get-out clause, enabling governments to justify the repression of the same political freedoms they claim to defend. Since this 'rule of law' is created and developed by governments and the judicial system, it ensures governments can devise new ways with which to repress those who threaten state and corporate interests in response to changing circumstances and changing patterns of dissent. In this way the 'rule of law' serves to protect capitalist interests, in the name of public order, security and democracy. By using labels such as

'terrorist' and 'domestic extremist', particular forms of activity can be cast as beyond the pale, as having crossed the line from legitimate dissent into criminal activity. Meanwhile, activity which does not fundamentally challenge or disrupt the structures of capitalism can be promoted as proof of societies' 'democratic' nature. This power to set these lines of right and wrong, lawful and criminal in parliament and in the courts, and often by extension in the mainstream media and dominant discourses, are reserved for the state and justify its deployment of coercive strategies - including judicial punishments, repression and the use of violence - against those who threaten the interests of capitalist 'democracy'. In this way, the 'rule of law' serves a vital function in the organisation of consent and the protection of capitalism from the dissent that inevitably arises out of the structural inequalities that the capitalist system is predicated upon.

This article will look at UK governments' recent strategies to repress individuals, social movements and communities who try to remain unco-opted and uncontrolled, and at the ways in which this repression is legitimated via the ideological and material application of the 'rule of law' as a central, defining tenet of 'democracy'. It will explore how the ability to define 'legal' and 'illegal' provides a crucial means by which political dissent is channelled into 'legitimate' forms which do not fundamentally threaten capitalist interests, while dissent which cannot be channelled or co-opted is criminalised and rendered illegitimate, pernicious and therefore deserving of repression.

In contemporary liberal 'democracies' it is claimed that the right to political dissent is protected and that dissent will only be punished if it is expressed through criminal means, and even then that punishment will be lawful and just. However, the rule of law does not always adequately serve the purpose of repressing forms of dissent which cannot be controlled and co-opted. As a result the state adopts strategies aimed at controlling and repressing even those who have *not* broken any law. Authorities justify these strategies by invoking the need to protect the public and prevent crime. These strategies include: the systematic undermining of dissent; smear campaigns against activist groups; the use of fear, threats and intimidation; and use of judicial and extra-judicial means of repression against political groups which can even contravene the rule of law.

This article looks at the state in the UK's strategies towards those who engage in acts of dissent over, roughly, the last 30 years. The terms 'dissent' and 'act of dissent' are used here to describe all actions aimed at altering the current status quo. The term 'status-quo' is defined as the current state of affairs, thus 'dissent', defined in this way, encompasses

both acts aimed at challenging the system itself and those at achieving limited change to one aspect of how society and/or culture are currently manifested. Thus, this article focuses on the actions of individuals and groups who have taken, or planned to take, some form of collective action or an action, whether taken independently or with others, expressly intended to achieve the collective purpose of criticising, obstructing or altering the way society currently operates. Of course, this does not encompass all possible forms of dissent, for example shoplifting could be seen as an act of dissent against capitalism or the concept of private property but is not typically overtly seeking to effect change for a collective or serve a collective purpose. Such individual acts are, of course, criminalised and repressed, but with less recourse to the ideology of democracy and freedom of expression as, however disruptive they are to the operations of capitalism, they are not commonly treated as an expression of political dissent.

Legislating to Manage Dissent

It is possible to see the political nature of the rule of law in the legislative responses to conditions in which dissent cannot be co-opted and disrupts or challenges the operations of capitalism. In the UK there has been a marked acceleration over the past thirty years in the creation of new police powers and new criminal law, much of which has had the effect of realigning the parameters of lawful and unlawful dissent, criminalising forms of collective action which threaten capitalist interests, and promoting forms of dissent which do not. This is not to suggest that legislation is always made with the express purpose of curtailing dissent. The systems which protect the principles of private property and the primacy of private profit (such as the legal system or the media) are the aggregate results of tacit agreements and shared values that evolve over time, rather than the result of pre-planned, coordinated and coherent construction. The end product, nevertheless, is a legal system which overwhelmingly reflects corporate and elite interests, and serves to demonise and repress those who challenge them.

One major new piece of legislation which has had a dramatic impact upon the management of dissent in the UK was Thatcher's Conservative government's Criminal Justice and Public Order Act (CJA), introduced in 1986 and refined and amended by the Major Government's 1994 Public Order Act.[3] The Conservative governments justified the introduction of what the then Home Secretary Michael

Howard dubbed "the most comprehensive programme of action against crime that has ever been announced by any Home Secretary",[4] by invoking the need to "make sure that it is criminals who are frightened not law abiding members of the public."[5] The protection of 'democracy' from terrorism was used as justification to restrict the right to silence[6] while convenient scapegoats such as Travelling communities, hunt saboteurs and organisers of raves[7] were deployed to justify new repressive legislation, such as the new offence of aggravated trespass, which serves to protect private property.[8] However, despite these justifications, the provisions of the act were drawn up in response to the needs of various elite groups: from the British Field Sports Society (BFSS) which lobbied for legislation against hunt saboteurs,[9] scientific lobby groups seeking to protect pharmaceutical companies from animal rights activists,[10] landlords seeking to remove squatters, politicians seeking to enact unpopular legislation, police pushing for greater powers and corporations seeking to exploit workers and the environment free from restraint.

The 1986 CJA, enacted by the Thatcher government, gave the police the power to restrict public gatherings and marches[11] and allowed the police to make arrests for a variety of offences relating to speech, for example, language or behaviour likely to cause harassment, intimidation, alarm or distress under section 5 of the act.[12] Section 5, in practice, has been used to restrict the shouting of political slogans at demonstrations,[13] prevent animal rights activists from displaying placards depicting vivisection[14] and for stepping on the flag of the USA outside an American air base.[15]

The Conservative Major government increased police powers further with the 1994 CJA, which created the new crime of aggravated trespass (trespass on land with the intent to disrupt lawful business)[16] and expanded police powers to conduct searches.[17] The introduction of the crime of aggravated trespass was particularly significant in consolidating the power of land owners as it allowed police, for the first time, to order trespassers to leave land, and potentially to charge them, if they were deemed to be disrupting 'lawful business'. Previously, the removal of trespassers had been a civil matter between the landlord and the occupier. The legislation originally only applied to trespass on land 'in the open air',[18] as it was originally packaged as a measure to deal with hunt saboteurs. However, it was soon amended to apply inside buildings too, apparently in response to indoor anti-arms fair demonstrations[19] and also to lobbying from groups close to the pharmaceutical industry, which had been targeted by the animal rights movement.[20]

Tony Blair's Labour government further amended the CJA by

granting police powers to restrict marches and assemblies, reducing the number of people that can lawfully constitute an illegal assembly from 20 to 2,[21] and specifically authorising senior police officers to order the removal of masks for the first time.[22]

The CJA allows police and prosecutors a degree of latitude in using these powers to arrest and prosecute. Authorities are able to choose whether or not to invoke their special powers. For instance, they can choose to request the removal of masks or impose conditions on the route or behaviour of a demonstration, based upon available intelligence on who will be taking part in the demonstration, the focus of the demonstration and the perceived likelihood of any crime taking place. When utilised, these special powers send a message to the public that demonstrators must be behaving illegally in some way to be subject to such restrictions. This demonisation then becomes self-perpetuating: the repression often defines the image of the protest in people's understanding, rather than the content of the demonstration or the action itself. Such a negative portrayal is no doubt also intended to dissuade people from taking similar action.

The CJA also allows, under Section 11,[23] police to request that demonstrators notify them when organising a march or static protest. In practice, when notification takes place the police request meetings with organisers and enter into a negotiation process over, for example, the route of marches and stewarding.[24] The purpose of this provision is to allow the police to pursue a divide and rule strategy, as those demonstrations whose organisers have come forward are held up as examples of 'good' protesters who are protesting within the law. However, negotiating with the police serves to limit the potential effectiveness of protest as those who negotiate are subjected to bureaucratic controls and the possibility of being held responsible for the actions of other protesters. For example an organiser of a demonstration in Brighton in 2006 whose participants marched on the road when the police had stipulated prior to the event that they must walk on the pavement was warned under Section 11 of the Act.[25] On the other hand, those who refuse to negotiate are often held to be intent on criminality and as a result deserving of police repression such as surveillance, violence, arrests and the application of special measures such as kettling.[26]

Extensive legislation has also been developed in order to control organised workers' movements, which can pose a threat to private profit and act as a restraint on, and potentially even a threat to the operations of capitalism. The potential for workers to organise effectively on issues like wages, conditions, hours or the business practices of their employers

has long been legislated against. However, the Thatcher and Major governments did more than any other governments since the Second World War to hamstring effective collective action in the workplace by erecting bureaucratic hurdles to and criminalising forms of collective action, while legislating to protect state approved, less effective trade union action. Between 1980 and 1993 six pieces of legislation had a dramatic effect on workers' struggles. These were the introduction of compulsory ballots before industrial action from 1984;[27] the stipulation that these ballots must be postal from 1992,[28] the introduction of cumbersome ballot procedures;[29] the placing of restrictions on the use of union funds for political aims;[30] restrictions on picketing[31] and the criminalisation of secondary action (sympathy picketing).[32] The legislation has meant in practice that trade unions are only able to organise around specific issues of pay and conditions in specific workplaces rather than striking in sympathy with their fellow workers in other workplaces or challenging an employer's general business practices. For example it would be very difficult, due to the cumbersome procedures, for employees working for the same employer in different workplaces, facing job losses and a deterioration of working conditions resulting from their employers' strategy of privatisation to organise action against privatisation itself. The legislation also made trade unions that had taken 'unlawful' action under the new balloting procedures subject to large fines and ultimately to the sequestration of funds, as happened to the National Union of Mineworkers in 1984.[33] In this way this legislation limited the potential of trade unions in the UK to act effectively for their members in securing better pay and conditions from employers and provided further protection for the interests of private business. The measures were sold to the population by claiming that trade unions required proper oversight and scrutiny in order to ensure that society could operate effectively, safe from the potential for trades unions to abuse their power. This was part of the rhetoric propagated by Margaret Thatcher and others in the Conservative Party that the unions were a threat to democracy and had to be reined in. In 1984 Thatcher famously compared the war against the "enemy without" in the Falklands to the "enemy within", i.e. the trade union movement, which is "much more difficult to fight and more dangerous to liberty".[34] The effect of this legislation has been to channel trade union activism into state sanctioned actions which do not present a systemic threat. Paid trade union officials could put their positions at risk if they took radical political action, so they have a vested interest in avoiding full-scale confrontation with employers and the authorities, where they could be portrayed as breaking the law and thus risk both the union's assets

and their own positions. As a result, the trade union movement has increasingly focused on organising in the public sector,[35] where there is comparatively less risk of falling foul of secondary picketing legislation as large numbers of workers are employed by the same employer, and on pursuing legalistic strategies such as workplace tribunals, rather than more visible and collective forms of action.[36]

Far from guaranteeing civil liberties as they claimed, the Labour government further extended police powers to repress the freedom to protest, supposedly a defining element of British democracy. On top of extending the provisions of the CJA, legislation was introduced to make it unlawful to withhold your name from a police officer if that officer has reason to believe you have been involved in anti-social behaviour,[37] and restricting the right to protest outside parliament[38] or in the vicinity of nuclear sites[39] and some other military bases.[40]

Labour also introduced new legislation specifically targeted at animal rights activists. The animal rights movement's adoption of anti-corporate campaigning, focusing on targeting the shareholders in and service providers to companies involved in vivisection, threatened their profits and had the potential to affect the viability of those companies. The Labour government under Tony Blair introduced legislation which made some acts illegal but only in relation to organisations involved in animal testing. In 2005, an amendment to the Serious Organised Crime and Police Act (SOCPA) made it illegal to "interfere with the contractual relations of an animal research organisation" or to "intimidate employees of an animal research organisation".[41] The intent of this was to demonise the actions of the entire animal rights movement as having crossed the line into criminality. The consequent state repression served to discourage others from getting involved out of fear of judicial punishments and to channel public sympathy away from the cause. Harsh sentences for those who breached the new law (which included a four and a half year prison sentence for Sean Kirtley simply for updating a website with animal rights related information[42] and even harsher sentences of up to sixteen years in prison handed down to activists involved in the Stop Huntingdon Animal Cruelty (SHAC) campaign for conspiracy to blackmail[43]) served to label animal rights campaigners as dangerous criminals and justify the removal of their right to exercise dissent and even express their views.[44] This is a typical use of legislation and harsh sentencing to discourage and demonise effective anti-corporate political activities.

The current Conservative/Liberal Democrat Coalition has attempted to reshape some of the legislation that the Labour governments were unable to implement. For instance, in 2011, after a long campaign

against them,[45] the Coalition government repealed the restrictions on protest in parliament square, and replaced them with a new list of restrictions on the use of loudhailers and the erection of tents.[46] In addition, it has taken steps to restrict protest outside Kensington Palace.[47] The Coalition also sought to consolidate the protections given to private landlords by the CJA by, in September 2012, making it illegal to squat in a residential building, something which the Conservative Party had long been advocating.[48] However, the Coalition's legislative programme has so far been largely focused on the implementation of the privatisation of public services and cuts to the welfare state, which have been accompanied by statements mandating the police to use violence against those attempting to resist them. The Coalition's next steps may be to bring in a new swathe of repressive legislation to control public anger at these policies.

These legislative changes have served to limit the possibilities for dissent in the UK and to shift the legislative goalposts, in order justify the demonisation, criminalisation and imprisonment of particular target individuals and communities. People who breach any of these new provisions are defined as having crossed a line into unlawfulness, whether that line be protesting without permission outside parliament, picketing in solidarity with your fellow workers, wearing a mask to protect yourself from police surveillance, demonstrating outside a laboratory or US air base or living as a Traveller or a squatter. The impact of making these acts unlawful is to render them illegitimate, pernicious and in opposition to the dominant ideology of British democracy.

Setting Up Specialised Political Police Forces

In order to control dissent effectively and away from the public eye a number of specialised police units have been set up to target particular forms of dissent. These units act with the bare minimum of visibility, allowing the majority of the public to remain unaware of their existence. They are effective tools, not only to enforce government legislation, but to enable the use of a greater variety of tactics and methods to undermine and repress dissent. These tactics have included arrest and prosecution, the use of undercover officers, overt and covert surveillance, harassment and intimidation, and the promotion of a negative image of particular groups in the media and in public opinion. The creation of such police units often ensures both that the law is applied with its full weight to certain groups involved in certain forms of dissent when they

break the law, and that some people involved in acts of dissent who *have not* broken any law are nonetheless criminalised and delegitimised. This illustrates that the function of these police units is less about protecting the population than protecting the powerful from challenges.

The direct political use of specialised police units is evident in the creation in 1968 of the Special Demonstration Squad (SDS), following the militant protests against UK government support for the US' war in Vietnam, with the aim of "preventing serious crimes associated with protest".[49] Until 2008, this operated as part of the Metropolitan Police Service.[50] Bob Lambert, an undercover police officer who infiltrated animal rights, environmental and anti-racist groups in the 1980s and 1990s was working, at least partly, for the SDS. (See also Anderson, Chapter 17.) Other units were established in the 1980s and 1990s, including the Animal Rights National Index (ARNI), set up as part of Scotland Yard[51] in 1986[52] in response to the success of the animal rights movement in targeting businesses involved in vivisection. ARNI's original role was "advising regional forces"[53] on how to deal with animal rights activists but its remit was extended in 1991, and consequently Anti-Terrorist Branch Officers were deployed against the animal rights movement.[54]

Since 1999 several new political units of the police force have been created,[55] many of which operate under the aegis of the Association of Chief Police Officers (ACPO) which was registered in 1997 as a private limited company[56] funded partly by the Home Office and through fees paid by local police forces.[57] This private company status means that the police departments operating under ACPO are freer from public scrutiny than traditional police units.[58] ACPO's status as a private company made it exempt from Freedom of Information legislation until this was reviewed in 2011.[59] Its incorporation as a private company also ensures it can retain a surplus from its income from membership fees and state funding and therefore has a degree of flexibility and independence in allocating its budgets.[60] Political units of the police force which have been under the command of ACPO include the National Domestic Extremism Unit, the National Extremism Tactical Coordination Unit (NETCU), the National Domestic Extremism Team (NDET) and the National Public Order Intelligence Unit (NPOIU). The fact that these units are arms of a private limited company rather than public bodies ensures their activities are conducted in relative secrecy. This is helpful in hiding the fact that the political repression meted out by these units to some groups of activists and protesters contradicts the dominant discourse which claims that the state guards our democratic rights to protest.

The creation of the NPOIU can be traced to concerns about the how to respond to changing patterns of dissent. It was set up by ACPO in 1999[61] following the publication of a HM Inspectorate of Constabularies (HMIC) report which claimed that some protest groups "have adopted a strategic, long-term approach to their protests employing new and innovative tactics to frustrate authorities and achieve their objectives" and noted in alarmed tones the existence of "evidence that some elements operate in cell like structures in a quasi-terrorist mode to keep secret their movements and intentions."[62] The NPOIU was located within the Metropolitan Police Service (MPS) and funded by the Home Office to gather and coordinate "intelligence".[63] The NPOIU has been responsible for deploying undercover officers within several UK direct action campaigns as well as carrying out overt surveillance of direct action groups.[64] (See also Anderson, Chapter 17.) Similarly, the NETCU was created in 2004 as a response to the animal rights movement. ACPO described the NETCU's role as to "promote a joined up, consistent and effective response to local police forces dealing with single-issue extremism of any character - including animal rights extremism"[65] and to provide "a central support and liaison service to animal research and related industries".[66] It was based in Huntingdon, Cambridgeshire, close to one of the UK animal rights movement's major corporate targets, Huntingdon Life Sciences (HLS). NETCU began referring to 'domestic extremism', a term which for a long time had no formal definition but which was defined in a HMIC report published in 2011 as: "activity, individuals or campaign groups that carry out criminal acts of direct action in furtherance of what is typically a single issue campaign. They usually seek to prevent something from happening or to change legislation or domestic policy, but attempt to do so outside of the normal democratic process".[67] The label 'domestic extremist' is, in practice, applied to those groups who do not compromise on their principles or tactics, particularly with regards to negotiating with the police, or over their use of direct action tactics. This could, until recently, be seen by glancing at NETCU's news-feed of information on domestic extremism which has included information on a broad range of people and groups from anti-G8 activists to campaigners against climate change and animal rights activists.[68]

The current statement on 'domestic extremism', from the ACPO website, claims that there is no hard and fast definition of a 'domestic extremist' but that "the term only applies to individuals or groups whose activities go outside the normal democratic process and engage in crime and disorder in order to further their campaign." The website notes that "[e]xtremists may operate independently, but will sometimes try to mask

their activities by associating closely with legitimate campaigners. The police work hard to ensure that the majority of protesters can campaign peacefully while stopping the few individuals who break the law."[69] It is clear from this explanation that if and when dissent breaks the law then it will be considered to be 'domestic extremism' and thus, labelling activists as 'domestic extremists', whether or not they have committed criminal offences, implies that they have committed acts which are outside the law and are therefore no longer to be deemed 'peaceful' or 'legitimate' campaigners.

One of NETCU's key tasks was to undermine activist groups defined as 'domestic extremist' groups by feeding negative stories to the media. For instance, the NETCU worked closely with Timothy Lawson-Cruttenden, a lawyer working on behalf of a number of corporations (see below). Cruttenden's litigation against anti-corporate campaign groups like anti-arms industry group Smash EDO, climate change activists Plane Stupid and animal rights activists SHAC was accompanied by ideological justifications in the media which sought to delegitimise campaigners through demonisation. One story, published in *The Times* in 2004, archived on the 'media' section of the Lawson Cruttenden & Co website,[70] portrayed anti-arms trade campaigners as dangerous extremists seeking to "intimidate" employees and operate outside the just parameters of democracy, despite its generous, legal provision for dissent.[71] The article quotes Lawson-Cruttenden: "Two years ago I was vocally against the Iraq war, but this is not about war and peace, it is about the right not to be harassed in a liberal democracy."[72] Such stories could even amount to blatant slander. In 2008 NETCU released a 'green-scare' story to *The Observer* which aimed to tarnish ecological activists as dangerously Malthusian,[73] claiming that activists had expressed the need to cull the human population for the good of the planet. The story, which had been sourced solely from the NETCU, was found to have no basis in fact and was retracted by its author.[74] There are also suspicions that hundreds of disruptive postings, from a government IP address to the activist open-posting news website, Indymedia, website originated from the NETCU.[75]

Another police unit with the explicitly political purpose of controlling political, usually left wing, activist groups is NDET, which was formed in 2005, and initially focused on the animal rights movement but fanned out to counter 'crimes' "linked to single issue-type causes" such as anti-militarist campaigns. [76] Similarly, the Public Order Operational Command Unit or Central Operations II (COII) is part of the Metropolitan Police Force in London and coordinates ground policing of protests in London, as well as running many of the Forward

Intelligence Teams (see below).[77]

In 2010 it emerged that NETCU, NPOIU and NDET would be merged and that a review of the role of ACPO would occur.[78] The SDS, the NPOIU and "other units under the National Domestic Extremism Unit (NDEU) were subsumed"[79] in January 2011 within the MPS.[80] The effects of this are yet to be seen but it is extremely unlikely that the reorganisation will drastically alter police practices, nor impact upon their abilities to manage dissent with minimal levels of transparency and accountability.

Blurring of Civil and Criminal Law

Between the late 1990s and early 2000s the Labour government introduced legislation which has resulted in blurring the distinctions between criminal and civil law, and has allowed the imposition of criminal penalties in cases where only a civil offence, and in some cases no offence known to law, has been committed. This has provided the police and prosecutors with a wider range of possible legal measures with which to repress dissent. The 1997 Protection from Harassment Act (PHA) and Anti-Social Behaviour Orders, introduced in 1998, allow the imposition of orders preventing activity which is not necessarily a criminal offence and make breaching such orders punishable with imprisonment. This represents a massive inflation in the possible penalty for certain types of behaviour, and allows for selective applications of the law, for such offences often have no statutory definition and are open to subjective interpretation by the courts. As a result, a more selective application of the rule of law has evolved allowing the criminalisation of behaviour that is simply considered unacceptable, and is therefore dependent upon the actions and subjective judgements of politicians, the judiciary and specialised police organisations.

Anti-Social Behaviour Orders (ASBOs), introduced in 1998,[81] allow magistrates to impose orders on people who have engaged in behaviour deemed to be anti-social. Criminal penalties can be imposed on people who break the orders,[82] despite the facts that ASB cases are heard by magistrates sitting in a civil, rather than criminal, capacity and that ASBOs often proscribe behaviour which is not normally considered criminal, and may not even be tortious (i.e. cause someone to suffer a loss of some kind). Closed court hearings and hearsay evidence (i.e. evidence heard from a third party who is not present at court) are also

allowed in ASB cases which can ensure that defendants have less opportunity to challenge prosecution evidence than in criminal cases.[83] ASBOs may be imposed for an open-ended period of time and there is no clear definition of behaviour which may be deemed to be antisocial. The success rate of ASBO applications is high, with only 3% being turned down.[84] Over 20,000 ASBOs were approved between 1999 and 2010.[85] ASBOs have frequently been used as a tool to undermine and criminalise dissent. For example, four of the defendants in a criminal trial relating to the SHAC campaign received indefinite Criminally Sought Anti Social Behaviour Orders (CRASBOs) which restricted them from protesting against animal experimentation.[86]

The introduction of ASBOs and CRASBOs allow crown prosecutors and judges to define for themselves which acts are inside or outside the law, without reference to everyday or legislative definitions of what is criminal. A cursory glance at the geographical and social breakdown of ASBOs issued suggests that ASBOS have been used disproportionately against working-class communities, a fact which is illustrated by the disproportionately high numbers of ASBOs being issued in Greater Manchester, West Yorkshire and the West Midlands,[87] areas which correspond to the some of the highest levels of poverty in the UK.[88] ASB legislation allows state judicial institutions which at root, operate to protect the principle of private property and are overwhelmingly dominated by those with the most class privilege. (See also Fisher, Chapter 2.) It could be argued that the state has a particular interest in criminalising the behaviour of those lacking economic privilege as, put bluntly, they have more reasons to rebel against the capitalist system. The ASB legislation is aided in this purpose by the mainstream media's eagerness to ridicule, patronise and demonise working class recipients of ASBOs, who are routinely branded 'ASBO yobs' and such-like.[89]

Theresa May, Conservative Home Secretary, has announced that ASBOs will be replaced by new measures but, at the time of writing, this change is yet to take place.[90] The proposed changes to ASB legislation comes in response to criticism over the efficacy of the measure in 'preventing anti-social behaviour'. However, the new proposals, including community triggered, i.e. complaint driven, 'Community Prevention Injunctions' and 'Criminal Behaviour Orders'[91] are a populist attempt to rebrand the orders as community driven. In fact the proposed changes will almost certainly continue in the same trajectory of attaching criminal penalties to civil offences.

The 1997 Protection from Harassment Act (PHA)[92] enabled state authorities to prosecute individuals for acts of harassment,[93] which may not have been in themselves criminal or even tortious, and enabled

private individuals to apply to the courts for the imposition of orders against people they deemed to be harassing them. The act was developed, through precedents set in cases brought by solicitor-advocate, Timothy Lawson Cruttenden,[94] to ensure that groups of people could have injunctions passed against them and that corporations could seek injunctions against individuals or civil society groups which they alleged were harassing them.[95] The idea that a corporation can be 'harassed' was yet another step in the long-running transformation of corporations into entities that enjoy the same legal rights as human beings but which cannot be punished by measures like imprisonment as they are not human.[96]

These PHA injunctions were used to impose conditions on individuals for behaviour that would not otherwise be considered criminal: examples include using a camera, a megaphone or playing musical instruments.[97] The penalty for breaching PHA injunctions is a sentence of up to five years in prison and several people, including anti-militarist activists Paul Robinson[98] and Jaya Sacca,[99] spent time in prison on remand for alleged breaches.

The first use of the PHA to protect corporations from dissent was a case brought by Timothy Lawson-Cruttenden on behalf of Huntingdon Life Sciences. In the HLS case, Lawson-Cruttenden argued in the High Court that HLS was not only a corporation being harassed, but that it did not need to name its harassers. HLS claimed it was not one person, or even several named people, who were 'potential harassers'; it was anyone who protested against them. An interim injunction was thus granted against *all* protesters, i.e. anyone who sought to demonstrate against HLS. The injunction restricted the time and duration of protests and the noise levels at protests, meaning that anyone who did not observe these stipulations was in breach and risked fines or even imprisonment.[100]

Following the HLS success, Lawson-Cruttenden went on to apply for injunctions on behalf of Bayer, DHL, Harrods, Oxford University, TNT and others that had been targeted by the SHAC.[101] A close relationship developed between Lawson-Cruttenden and NETCU which supplied Lawson-Cruttenden with intelligence about the campaigns against which he was seeking injunctions.[102] Thus, corporate-friendly lawyers and specialist police departments have developed the PHA in such a way that it enables corporations such as HLS[103] or arms company EDO MBM[104] to claim blanket protection from anyone, including unnamed individuals, they choose to label a 'protester'. This allows corporations and other powerful groups, often with enthusiastic backing from specialised police units, to shape what is lawful and unlawful for those opposing them. The use of the PHA against groups of protesters has

been effectively challenged in court by participants in the Smash EDO campaign,[105] SHAC[106] and the 2007 Heathrow Climate Camp[107] and as a result, its use has tailed off, except against animal rights activists, The PHA therefore remains a powerful potential tool for corporations seeking to repress dissent.

Surveillance

Overt surveillance is another method employed by the state to manage and suppress dissent, both as a means of information gathering and of intimidation. Pre-eminent among the justifications for surveillance is the claim that it will protect people's private property and personal security. For example, an article written for the website of the 2012 EUROSATORY defence and security fair[108] argued that surveillance tactics and technology, used to monitor social movements, could help prevent "destruction of property, injuries to innocent people and in some cases, death".[109] One aim of overt surveillance *is* the protection of private property but it also serves to deter, and protect the powerful from dissent. The proliferation of Closed Circuit Television (CCTV) cameras and increased use of overt police surveillance add to an atmosphere where disruptive action can seem risky or even unthinkable. Since the 1990s Britain has, it has been claimed, deployed more CCTV cameras per capita than any other country.[110] One 2005 study estimated that, at the time, 4.8 million cameras had been installed UK-wide. In addition, private businesses often employ advanced CCTV systems, with which to track, monitor and record activity surrounding their premises.

People involved in acts of dissent in the UK over the past decade have increasingly been subjected to overt police surveillance. The increased police attention given to those under surveillance implies that they are 'criminals' whether or not they actually have committed any criminal offence and irrespective of what they have actually done, which undermines their popular support. Overt police surveillance is also used to push potential supporters away from radical social movements by sending the message that associating with those under surveillance will be rewarded with the same treatment. The psychological impacts of being under surveillance can also severely impair individuals' ability to take political action.

Over the past fifteen years the police have also developed the use of overt surveillance against political activists. Forward Intelligence Teams (FITs) and Evidence Gathering Teams (EGTs) became a common fixture at

protests, other large events, and even political meetings from the late 1990s.[111] FITs are groups of police officers equipped with cameras and video cameras, who aim to document the attendees at an event, photograph them and in doing so, broadcast to their targets the fact that they are being monitored.[112] FITs also carry with them 'capture cards' with photographs of people who are of interest to the police[113] whether or not they have previous convictions,[114] which mark the subject out for increased attention from police spotter teams.

Often FITs have been deployed more for their chilling effect on political movements than the prevention of 'disorder'. For instance, in 2009, during the trial of nine defendants prosecuted for conspiring to cause hundreds of thousands of pounds worth of damage to the EDO MBM factory in Brighton, FITs were regularly deployed at small demonstrations, of under fifteen people, outside the EDO factory.[115] This increased use of overt surveillance gave the impression that activists who attended the demonstrations would be criminalised, in the same way as the defendants in court and, as a result, put many people off being involved in the campaign.[116]

To an extent, the FITs have been effectively countered in the UK by activists, who began monitoring FIT teams and impeding their work by encouraging all demonstrators to wear masks, while organising groups of 'FIT Watchers' to block police cameras at demonstrations. At one anti-arms trade demonstration in 2008, the FIT teams were effectively forced to leave the protest by the counter-tactics of these 'FIT Watchers'.[117]

Another overt surveillance tactic is the deployment of officers from national police units during the trials of protesters. For instance, officers from the NPOIU were deployed at court cases of activists associated with the Smash EDO campaign during 2009-10 and SHAC during 2009. Officers provided an overt, oppressive presence in the court wearing lanyards to identify themselves and taking notes of snippets of overheard conversations in the public gallery.[118] This gave the impression, to the judiciary, jury and press, that the defendants, although not convicted, were seen as a threat to the rule of law, as well as presumably providing a practical intelligence-gathering purpose.

Following the death of Ian Tomlinson after being struck with a baton and pushed to the ground by Simon Harwood, a police officer at the G20 protests in 2009, police tactics have come under increased scrutiny. The resultant 2009 HMIC review[119] attempted to give the impression of an honest investigation and review of police tactics in an attempt to subdue public anger. The use of FITs has decreased somewhat since in favour of a more graded approach. For instance, at more recent demonstrations during the early stages of the student movement in

2010,[120] FITs used only notebooks rather than the more intrusive long-lensed cameras.

Of course, the police also practise covert surveillance, which, out of the public limelight, requires far less ideological justification. When exposed however, such as following the revelations in 2011 that undercover police officers had infiltrated various environmental and political movements in the 1990s and 2000s, the same claims to be protecting law and order were utilised. However, in this case, such arguments gained little traction, especially given that the groups infiltrated were not easily portrayed as 'dangerous' or 'a threat to society', which, as we have seen, has been a crucial ideological strategy to justify repression. Of course, infiltration is partly motivated by information gathering but it also shows the need for today's 'democracy' to control and influence people's political activities, undermine their autonomy and independence, and destroy their collective morale. (The strategy one undercover officer used to achieve this goal is explored in Anderson, Chapter 17.)

In 2012, following the HMIC enquiry into undercover policing, several police forces introduced Police Liaison Officers (PLOs),[121] officers who are deployed to engage in dialogue with protesters and to diffuse confrontation in public order situations as well as, in some instances, gather intelligence.[122] They are also deployed as a tactic to divide 'legitimate' protesters who engage with the authorities (in this case the police) from the 'illegitimate' ones who do not. Those protesters who do not engage with the police can then be portrayed as a potential threat, whose motives are suspicious since they must have something to hide, and whose actions can then be treated as having crossed the line into criminality. The role of PLOs was explained candidly by one PLO at an anti-fascist demonstration in Brighton, stating that he was there to "engage" with those present and "find out what your intentions are". When asked what happened if people refused to "engage" he replied that he would call in his colleagues with the "truncheons and pepper spray".[123]

Politicised Sentencing

After periods of social unrest the state and judiciary often work to ensure that sentences for those arrested are disproportionately heavy, with the view to create deterrents for future unrest. They clearly exercise a measure of discretion as to when and to what degree to exercise their

power to impose harsh sentences. This discretion can be seen to correspond to role of the legal system in protecting the social order from political challenge, in particular from those with less power and less investment in and integration into the capitalist system. It very often results in political dimensions in sentencing, for instance in the differential treatment of less privileged, minority and marginalised communities. This can be seen in the disparity between the judicial treatment of the 2010-11 student movement and the 2009 Gaza solidarity movement.

The 2010-11 student movement involved rioting which exceeded any of the events during the 2009 Gaza solidarity movement yet those arrested were treated comparatively leniently. Meanwhile, the mass demonstrations outside the Israeli embassy at the time of the Israeli massacre in Gaza in 2009 known as 'Operation Cast Lead' ended in the arrest of 119 people[124] and the prosecution of 78.[125] The vast majority of these demonstrators were young Muslims and it was clear that the police wanted to punish them severely in order to avert a repeat of the demonstrations, and due to the inflated sense of threat that accompanies Muslim identity in a still deeply racially biased society. On giving sentence Judge Denniss, who presided over most of the hearings, made clear that the harsh sentences were intended, in part, to act as a "deterrent for those who may commit such of offences in the future"[126] and that those who took part in such protests "do so at their peril".[127] While such intentions have been voiced during other occurrences of unrest, including the 2010-11 student protests, harsh sentences to deter repeat offending are usually given to a small number of individuals, whereas in the case of the Gaza defendants the harsh treatment was almost across the board. Judge Denniss used the the 2001 Bradford riots cases as a benchmark. This prompted the Islamic Human Rights Commission (IHRC) to ask the rhetorical question in a commentary piece about the trials: "Could the presence of young Muslim males in both London and Bradford have been the deciding factor?"[128]

What seemed to have been most troubling to the authorities about the resistance to the Gaza massacre was the new unity between young, disenchanted Muslims and the more established Palestine solidarity movement, as well as their move towards more militant action. Sentences were harsh: those pleading guilty received between twelve months to two and a half years imprisonment. One man was sentenced to a one year prison sentence for throwing a plastic bottle in the direction of the police.[129] In court almost all of the defendants were required to surrender their passports and, despite the fact that the vast majority of those charged were British citizens, many were served with

immigration notices which stated that they could be deported depending on the outcome of criminal proceedings.[130]

The 2001 Bradford riots, which Judge Denniss had used as a benchmark, were also the subject of much controversy as many commentators claim that the treatment of the 115 people who were convicted and who received, on average, sentences of four and a half years in prison,[131] was far harsher than sentences given for other riots around the UK which did not involve marginalised, minority communities.[132]

On the other hand, although there was some involvement from working class communities, the 2010/11 student movement against the rise in tuition fees and the scrapping of the Education Maintenance Allowance was at its core an issue which affected predominantly white middle class young people. The movement began with a group breaking away from a National Union of Students (NUS) demonstration on 11 November, 2010, breaking into and trashing the Conservative Party HQ at Millbank.[133] Later demonstrations that year saw the trashing of police vehicles,[134] damage to the Treasury building,[135] riots in Oxford Street[136] and an attack on a royal convoy carrying the Prince of Wales.[137] Altogether, 325 people were arrested and many of their cases are still ongoing at the time of writing. Sentences were harsh - up to two years and eight months custodial sentence for one demonstrator who threw a fire extinguisher off the roof of Millbank into a crowd of police below. However many have been dealt with by way of community service orders, suspended sentences and electronic tags.[138] According to the Legal Defence Monitoring Group, of the 180 cases where defendants were alleged to have been involved in serious 'disorder' which had been dealt with by March 2012 eighteen were handed a custodial sentence; twenty-one were given community service; twelve were given suspended prison sentences; seven were dealt with by way of electronic tagging; nine with curfews; one with a bind over to keep the peace; one with a fine; four were thrown out before they were brought to court; ten were found not guilty by juries and in one case the judge instructed the jury to reach a not guilty verdict.[139] Thus, while some of defendants from the student demonstrations were given harsh, exemplary sentences as deterrents to others, these were the worst examples, in stark comparison to the Gaza defendants, where non-custodial sentences were the exception.

The riots which took place in several English cities in August 2011 resulted in the imprisonment of 1,292 people and can be seen as another example of political sentencing.[140] Those convicted were predominantly from working class backgrounds and sentences were invariably harsh. Some of the most shocking examples include two men

who were sentenced to four and a half years in prison for posting messages on Facebook which the court found had been intended to incite rioting;[141] a woman who was given a five month prison sentence for receiving a pair of shorts looted from a store during the riots; and a man who was sentenced to six months in prison for stealing £3.50 worth of bottled water.[142] A senior justice-clerk had issued advice to judges nationwide to disregard normal sentencing guidelines[143] when considering riot cases, mirroring David Cameron's statement before the Commons that anyone convicted of riot offences should go to jail.[144]

The current dominant political discourse in the UK places equality, and particularly equality before the law, as a fundamental and inviolable principle at the foundation of British democracy. However, when confronted with disorder the state and its judicial system use their latitude in choosing and recommending sentences to treat people in ways that are far from equal. As we have seen, when marginalised groups, whose integration within, and thus consent to, the capitalist system is less reliable, are involved in acts of rebellion, they are treated in a disproportionately harsh manner. This is because these communities gain comparatively little from capitalism and their consent requires shoring up with coercion and intimidation. (See also Pollard and Young, Chapter 14).

Democracy and the 'War on Terror'

George Bush stated the supposedly democratic purpose behind his policies of militaristic aggression and domestic repression in a speech to Congress on 20 September, 2001 when he launched the 'War on Terror': "Americans are asking, why do they hate us? They hate what we see right here in this Chamber, a democratically elected government. Their leaders are self-appointed. They hate our freedoms - our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other".[145] He called for a global war which would, he said, be "civilization's fight",[146] adding without irony, "This is the fight of all who believe in progress and pluralism, tolerance and freedom".[147]

The language of the 'War on Terror' shows how integral the concept of 'the rule of law' is to the rhetoric of democracy, yet in practice it has facilitated the use of extra-judicial measures such as illegal invasion, 'extraordinary rendition', assassinations, torture, detention without trial and collective punishments. These measures show that the rule of law is not enough to ensure a sufficient degree of compliance for the

imperialist foreign policies of capitalist 'democracies'. Governments invoke the 'terrorist' threat to 'democracy' in order to go beyond their legal powers both nationally and globally. The 'War on Terror' ironically utilises a rhetoric of democracy and the rule of law to justify and extend state repressive and extra-legal powers which in practice contravene both 'democracy' and the 'rule of law'.

The 'War on Terror' has served as a smokescreen for imperialist capitalist expansion and the maintenance of US global military and economic dominance. The 'War on Terror' has thus engendered a very unstable process of ideological and military warfare, in which support for US 'liberation' is sorely lacking, and wars in Iraq and Afghanistan that were conceived as quick, military ventures turned into prolonged military occupations.

In the UK, in the context of the 'War on Terror', Muslim people have been singled out by the state for special treatment. 'Islamic terrorism' and 'Islamic extremism' have become categories of dissent which are dealt with using strategies of repression which are often entirely different from those used against other groups. The government's PREVENT strategy for counter-terrorism defines extremism as: "the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs" and includes "calls for the death of members of our armed forces, whether in this country or overseas".[148] The definition of 'domestic extremism' deployed by the police is quite different: a "single-issue campaign" which goes "outside the normal democratic process".[149] The two definitions of 'extremism' differ because they are intended to provide a justification for the repression of two separate forms of dissent: 'domestic extremists', dealt with by public order law, police infiltration and surveillance and specialist police departments, and 'terrorism', dealt with by anti-terror legislation.

Although the rhetorical justification for the 'War on Terror' and for anti-terrorist measures in the UK are primarily aimed at the Muslim community, the repressive strategies themselves have a potentially universal application, which has so far been applied selectively by the state. The 'War on Terror' has been used successfully to enact a huge raft of measures which provide the state with a plethora of judicial and police powers with which to repress dissent. The use of terror legislation often has little to do with anything that could be described as terrorism.

Schedule 7 of the Terrorism Act 2000 for example, allows immigration officers, customs officers or police officers to detain a suspect at an airport or port of entry into the UK for up to nine hours

and question them.[150] Unlike elsewhere in English criminal law, suspects do not have the right to remain silent and if you fail to answer questions you can be fined or imprisoned.[151] According to the Institute of Race Relations, in 2010-11 the power to question under Schedule 7 was used over 65,000 times, 84% of those questioned for over one hour were from Black/Minority/Ethnic backgrounds.[152] Schedule 7 has also been used to question anti-globalisation activists,[153] anti-militarist activists,[154] Palestine solidarity campaigners,[155] anarchists,[156] climate change activists,[157] and alternative media activists.[158]

In 2000, even before the events of 11 September, 2001, the Blair government legislated a number of counter-terrorist powers including: arrest without a warrant;[159] new powers of stop and search;[160] expanded the list of proscribed organisations that it is illegal to be a member of[161] and allowed police to detain terrorist suspects for questioning for up to seven days without charge.[162] Later acts created the offence of 'glorifying terrorism'[163] and allowed the retention of communications data.[164]

Section 44 of the Terrorism Act 2000 allowed police to search in a designated area if a senior officer has authorised it.[165] Stop and search under Section 44, like Schedule 7, has disproportionately affected Black/Minority/Ethnic (BME) communities.[166] Section 44 was also used against protesters at, for example, the protests against the 2003 DSEi arms fair in Docklands[167] and the 2005 Labour Party conference.[168] Following a successful appeal to the European Court over use of Section 44 at the DSEi arms fair the power has been suspended. However, a revamped raft of stop and search powers has been enacted by the 2012 Protection of Freedoms Bill.[169] Thus legislation introduced under the guise of protecting society from 'terrorism' has been applied to domestic, political contexts where the threat is not terrorism, but other forms of political dissent.

In 2003 the period of detention for terrorist suspects was increased to fourteen days[170] and in 2006 it was increased, temporarily, to twenty-eight days.[171] The Labour government sought to increase the maximum period of detention without charge to up to ninety days but was outvoted. A 2011 parliamentary review[172] found that the maximum period of detention should be fourteen days. This fourteen day limit has been reaffirmed by the 2012 Protection of Freedoms Bill.[173]

The 2001 Anti-Terrorism Crime and Security Act, which allowed the indefinite detention of foreigners,[174] paved the way for the detention without trial of foreign nationals at Belmarsh prison.[175] After eight of these detainees won their appeal in the House of Lords in 2004 they were released but subjected to a new measure, control orders.[176] Control orders could be made in the interest of "protecting members of the

public from a risk of terrorism"[177] and could be imposed against individuals in the absence of any charge. The orders could be used to restrict movement, employment, association, to restrict access to bank accounts and to confiscate passports.[178] There was no limit on the duration of a control order. This act was, however, repealed[179] in 2011 after persistent legal challenges made it untenable.[180]

The checks that parliament and the judiciary placed on the government during the Blair and Brown governments (for example the European Court's restriction on the use of Section 44, the British courts restriction on the use of Control orders and Parliament's curtailing of the period of detention without charge that is legally permissible) demonstrate how governments are not always able to mould the law to their satisfaction. As a result successive governments have resorted to extra-judicial measures.

When the 'Rule of Law' is Not Enough

It is apparent from the above that obstacles posed by the court system and parliament have prevented recent governments from implementing all of the measures they sought to use to control the general populace. However, illegality is not always a restraint on state power and over the course of the 'War on Terror' the UK government, both Labour and the Coalition have, in conjunction with other governments, resorted to extra-judicial measures which can be best described as the outsourcing of repression. These measures include the involvement of British security officials in interrogations at the US's Guantanamo Bay facility,[181] - where detainees are held for unlimited periods without trial - the rendition for interrogation and torture to countries such as Egypt, Libya and Pakistan,[182] and the complicity of the British military in the CIA's programme of targeted assassinations in Pakistan.[183]

The fact that these measures are outsourced reflects the need for the state to maintain the façade of the centrality of the rule of law and the primacy of parliament in today's 'democracy'. While public awareness of these extra-judicial measures can threaten the state's legitimacy, those measures also reaffirm the state's preparedness to be ruthlessly coercive in the protection of its interests. This has a chilling effect on dissent by illustrating the dangers of challenging power. With regard to the 'War on Terror' this has the most impact on Muslim people as they are the community most affected by extra-judicial repression.

However, even these extra-judicial measures are still, to some

extent, masked by the rhetoric of the rule of law. Within state discourses, they are carried out in the interests of protection of democracy. Their subjects are portrayed as the enemies of democracy who should be controlled and punished. Mainstream media coverage largely abides by this discourse, and when the gory details do emerge criticism rarely extends beyond portraying extra-judicial measures as occasional abuses of power or mistakes, rather than an inherent part of how the capitalist system operates. Crucially those who experience the extra-judicial state repression of the 'War on Terror' are invariably Muslims, foreigners or migrants to the UK, who do not come from the dominant racial and economic groups in British society and have already been demonised by politicians and the mainstream media. Extra-legal measures have been taken against other demonised communities, for example the 1970s Labour policy of internment in Northern Ireland enabled detention without trial.[184] Similarly, the contemporary Home Office measures against immigration detainees enable practices such as child detention which would be unlawful if used against other groups within society.

Circuses Without The Bread

The state often uses fear and spectacle to suppress potential resistance and to consolidate social control. This typically occurs when governments need to maintain order in order better to implement controversial and/or unpopular measures. One way to achieve this stability is through the strategy of 'bread and circuses': that is, the creation of public approval through diversion, distraction and shallow populism. The phrase 'bread and circuses' was coined in the 1st Century AD by the Roman satirist Juvenal to describe the way that people were kept satisfied by the provision of public holidays and events such as chariot races, public games and executions coupled with the creation of jobs and the distribution of grain to all citizens of Rome.

In keeping with this long-standing method of subduing public dissent through distraction and spectacle the Conservative-led Coalition government has sought to capitalise upon three large public events, and use them to divert public attention from its unpopular 'austerity' policies, which have included cuts to welfare benefits and widescale privatisation. The government promotion of the April 2011 Royal Wedding, the Royal Diamond Jubilee in June 2012 and the Olympic Games in Summer 2012 amidst a brutal regime of 'austerity' seems to offer only circuses with very little bread. These events were also

accompanied by the promotion of nationalism, repressive measures, militarisation and widespread publicity for increased security measures which had the effect of projecting the unassailable power of the state and the impossibility of resisting the status quo.

The wedding of Prince William on the 29 April 2011 was accompanied by a highly publicised £20 million security operation,[185] talk of snipers on London's rooftops and[186] military personnel lining the route of the procession.[187] There was wide speculation about threats to the event and the media reported a "severe"[188] threat of terrorism, a "muslim" threat,[189] an "anarchist"[190] threat and, recalling Thatcher, a "trade union threat".[191] Although the evidence of these supposed threats was flimsy at best the Metropolitan Police commissioner Bob Broadhurst announced that "the threat to the wedding is a threat to principles, it is a threat to democracy".[192] Before the 2011 royal wedding this opaque threat was used to justify real and tangible repression of demonstrators. Several people were pre-emptively arrested ahead of the ceremony[193] and police took the opportunity to raid several squats, including a protest site and a radical social centre.[194] Similarly, the Diamond Jubilee in 2012 was accompanied by massive security,[195] military spectacle[196] and talk of threats from "Al Quaeda and dissident Irish Republicans".[197] House visits were carried out by police forces on known political activists.[198] The Olympic Games later that Summer were accompanied by the militarisation of central London, missiles installed on rooftops in East London[199] and announcements that soldiers had been trained in snatch squad tactics to deal with public order situations ahead of the games.[200] London's Critical Mass bike ride's focus on the Games resulted in the pre-emptive arrest of 182 people.[201]

The repression related to these national events had very little to do with any real, or even perceived threat. Arguably, one aim was to create a feeling of awe at the spectacles the state is able to organise and to discourage potential opposition, through widespread publicity for massive security measures by the police and military, and thereby creating the impression that state control is absolute and that resistance is foolhardy. More importantly, the show of force, and the fabrication of the threat of social disorder projects the need for the state to maintain such a repressive arsenal. The generation of a perception of threat also creates opportunities for increased repression against opposing groups as can be seen, for example, from the raids prior to the Royal Wedding and the mass arrest of Critical Mass participants in the context of the London Olympics. Most of all these spectacles set out the things that 'we' were for: nationalism; patriotism; the monarchy; the state; 'democracy' and the 'rule of law'. Those opposed to these vague notions were set

aside as enemies of democracy and thus their repression was presented as legitimate.

Conclusions

This article has explored how 'democracy' is used as an ideological weapon to justify the repression of political dissent through the promotion of the rule of law in its ever-changing and government defined forms, implemented with variable force depending on the target and circumstances, and even via extra-judicial measures which contravene the 'rule of law' upon which the ideology of democracy rests.

Contemporary dominant discourse insists that repression of 'illegitimate' dissent is necessary and right. However the state is constantly redrawing the lines of lawfulness and unlawfulness, setting and resetting the parameters of 'legitimate' dissent, in order to meet its need for continued social control. And while equality before the law is a central tenet of the ideology of democracy, the law is not applied equally: the authorities are able to strategically deploy special legal powers as well as the political interventions of specialised police departments against those who they believe may pose a systemic threat, particularly working class and minority communities. We have also seen that the repression of dissent is not entirely circumscribed by the rule of law, and that the UK government is prepared to flout laws and use extra legal measures in order to achieve social control. However these tactics are presented by the state and the media as necessary exceptions to protect democracy and, ironically, the rule of law.

Such justification of political repression within a supposedly free and tolerant 'democracy' is enabled by the creation of lines of acceptable, reasonable, and lawful dissent. Thus dissent which can be depended upon not to trespass across these mutable lines of acceptability, demonstrators who engage with the police before and during protest and who can be relied upon to limit themselves to unchallenging forms of political activity such as such as lobbying and state controlled forms of protest and organisation are promoted, providing democratic cover and adding weight to the lie that we live in a tolerant and free society, governed by the rule of law. Unauthorised, uncontrolled and unpredictable dissent does not come with these assurances. Dissent which refuses to engage with the police and their regulations, or which targets, disrupts or challenges capitalist interests, most importantly private property and the inalienable freedoms of

corporations to maximise their profits, is portrayed as unreasonable, undemocratic, pernicious, and a threat to public security, in order to legitimate its repression. These words by former Labour Prime Minister Tony Blair exemplify this discourse: "I rejoice that I live in a country where *peaceful* protest is a natural part of our democratic heritage".[202] *Peaceful* protest, within dominant discourses, means dissent which is controlled, compliant and ultimately ineffective.

Thus the ideology of democracy and the rule of law enables the repression of groups which remain unco-opted and uncontrolled by the state. When internalised, this ideology can channel dissent along permitted routes, thereby protecting state and corporate interests. Our challenge is to question continually the legitimacy of government-defined laws and assert our own legitimacy and our need for true freedom of political expression. We must fight back against the legal and extra legal repression of dissent, and most importantly, keep resisting.

Notes

1 Tony Blair, Speech given in Glasgow, 15 February, 2003, quoted in Chris Atkins, dir. *Taking Liberties*, (2007). <http://www.youtube.com/watch?v=xV2LlcmAOpw&feature=relmfu>

2 'Drax protesters guilty over train ambush', *The Yorkshire Post*, 3 July, 2009. <http://www.yorkshirepost.co.uk/news/around-yorkshire/local-stories/drax-protesters-guilty-over-train-ambush-1-2358123>

3 *Public Order Act 1986, c. 64, Table of Contents*. <http://www.legislation.gov.uk/ukpga/1986/64/contents>

4 Stuart Trotter, 'Crime crackdown cheers the party', *The Herald*, 7 October, 1993. <http://www.heraldscotland.com/sport/spl/aberdeen/crime-crackdown-cheers-the-party-1.738905>

5 Ibid.

6 Ibid.

7 Ibid.

8 *Criminal Justice and Public Order Act 1994, c. 33, Part V, Disruptive trespassers, Section 68*. <http://www.legislation.gov.uk/ukpga/1994/33/section/68>

9 See Hunt Saboteurs Association, 'Briefing on introduction of CJA', originally written in April 1994, last updated 27 August, 2012. <http://hsa.enviroweb.org/index.php/component/content/article/52-legal-articles/219-briefing-on-introduction-of-cja>

10 Understanding Animal Research, 'Outlawing animal rights extremism'. <http://www.understandinganimalresearch.org.uk/policy/animal-rights-

extremism/outlawing-animal-rights-extremism>

11 *Public Order Act, 1986, c. 64, Part II*. <http://www.legislation.gov.uk/ukpga/1986/64/part/II>

12 *Public Order Act, 1986, c. 64, Part I, Section 5*. <http://www.legislation.gov.uk/ukpga/1986/64/section/5>

13 As was the case at a demonstration against an arms factory where an activist was convicted under Section 5 for allegedly shouting the words 'murdering scum' and 'you are complicit in murder' at the managing director of an arms company; Regina V. Osmond, Brighton Magistrates Court, 2007.

14 FreeB.E.A.G.L.E.S, 'Leafleting – A Guide to your Rights', last updated September, 2004. <http://www.freebeagles.org/articles/leafleting.html#41>

15 Rob Jerrard, 'Percy Again Conviction for defacing flag is incompatible with Article 10 of the European Convention on Human Rights', *Internet Law Book Reviews*. <http://www.rjerrard.co.uk/law/cases/percyvdppQBD2001times21janCHTML.html>

16 *Criminal Justice and Public Order Act, 1994, c. 33, Part V, Disruptive trespassers, Section 68*. <http://www.legislation.gov.uk/ukpga/1994/33/section/68>

17 *Criminal Justice and Public Order Act, 1994, c. 33, Part IV, Powers of police to stop and search, Section 60*. <http://www.legislation.gov.uk/ukpga/1994/33/section/60 >

18 *Criminal Justice and Public Order Act, 1994, c. 33, Part V, Disruptive trespassers, Section 68*. <http://www.legislation.gov.uk/ukpga/1994/33/section/68>

19 Thanks to Lydia Dagostino of Kelly's Solicitors for giving some context on the introduction of these provisions.

20 Understanding Animal Research, 'Outlawing animal rights extremism'. <http://www.understandinganimalresearch.org.uk/policy/animal-rights-extremism/outlawing-animal-rights-extremism>

21 See *Public Order Act, 1986, c. 64, Part II, Section 16*. <http://www.legislation.gov.uk/ukpga/1986/64/section/16> and *Anti Social Behaviour Act, 2003, c. 38, Part 7, Section 57*. <http://www.legislation.gov.uk/ukpga/2003/38/section/57/prospective>

22 *Criminal Justice and Public Order Act, 1994, c. 33, Part IV, Powers of police to stop and search, Section 60AA*. <http://www.legislation.gov.uk/ukpga/1994/33/section/60AA>

23 *Public Order Act, 1986, c. 64, Part II, Section 11*. <http://www.legislation.gov.uk/ukpga/1986/64/section/11>

24 Author's experience of policing of demonstrations in Brighton, 2000-2012.

25 Ibid.

26 For example, see, 'Smash Edo plan Brighton protest during Jubilee weekend', *The Argus*, 1 March 2012. <http://www.theargus.co.uk/news/9564953.Smash_EDO_plan_Brighton_protest_during_jubilee_weekend/r/?ref=rss>

27 Dave Lyddon/The Union Makes Us Strong: TUC History Online, 'Anti-Union

Legislation: 1980-2000'. <http://www.unionhistory.info/timeline/1960_2000_Narr_Display.php?Where=NarTitle+contains+%27Anti-Union+Legislation%3A+1980-2000%27>

28 *Trade Union and Labour Relations (Consolidation) Act, 1992, c. 52, Table of Contents*. <http://www.legislation.gov.uk/ukpga/1992/52/contents>

29 *Trade Union Reform and Employment Rights Act, 1993, c. 19, Part I, Industrial Action*. <http://www.legislation.gov.uk/ukpga/1993/19/part/I/crossheading/industrial-action>

30 *Trade Union and Labour relations (Consolidation) Act, 1992, c. 52, Part I, Restriction on use of funds for certain political objects*. <http://www.legislation.gov.uk/ukpga/1992/52/part/I/chapter/VI/crossheading/restriction-on-use-of-funds-for-certain-political-objects>

31 *Trade Union and Labour relations (Consolidation) Act, 1992, c. 52, Part V, Criminal offences, Section 241*. <http://www.legislation.gov.uk/ukpga/1992/52/section/241> ; Gov.uk, 'Guide, Taking part in industrial strikes and actions. Going on strike and picketing', last updated 22 October, 2012. <https://www.gov.uk/industrial-action-strikes/going-on-strike-and-picketing>

32 *Trade Union and Labour relations (Consolidation) Act, 1992, c. 52, Part V, Action excluded from protection, Section 224*. <http://www.legislation.gov.uk/ukpga/1992/52/section/224>; Gov.uk, 'Guide, Taking part in industrial strikes and actions. Going on strike and picketing', last updated 22 October, 2012. <https://www.gov.uk/industrial-action-strikes/going-on-strike-and-picketing>

33 James G. Moher, 'Trade unions and the law – history and a way forward?', *History and Policy. Connecting historians, policymakers and the media*, September, 2007. <http://www.historyandpolicy.org/papers/policy-paper-63.html>

34 Paul Wilenius, 'Enemies within: Thatcher and the unions', *BBC News,* 5 March, 2004. <http://news.bbc.co.uk/1/hi/3067563.stm>

35 Beth Lawrence, 'Partnership or Struggle', *Corporate Watch Magazine: The Rules of Engagement*, Summer, 2011, No. 49. <http://www.corporatewatch.org.uk/?lid=4049>

36 Martin Schneider, 'Employment Litigation on the Rise? Comparing British Employment Tribunals and German Labor Courts', in *Comparative Labor and Law & Policy Journal*, Vol. 22, No. 2/3.

37 *Police Reform Act, 2002, c. 30, Part 4, Chapter 2, Power to require name and address, Section 50*. <http://www.legislation.gov.uk/ukpga/2002/30/section/50>

38 *The Serious Organised Crime and Police Act 2005 (Designated Area) Order 2005, 2005 No. 1537, Table of Contents*. <http://www.legislation.gov.uk/uksi/2005/1537/contents/made>

39 *Terrorism Act 2006, c. 11, Part 1, Offences involving radioactive devices and*

materials and nuclear facilities and sites, Section 12. <http://www.legislation.gov.uk/ukpga/2006/11/section/12>

40 For example, see this map of the 'controlled area' surrounding RAF Menwith Hill, North Yorkshire, 'RAF Menwith Hill SOCPA (Serious Organised Crime and Police Act) 2005'. <http://www.mod.uk/NR/rdonlyres/0042D0BE-030A-4375-83AF-E487E14D4EBB/0/menwith_hill_socap.pdf>

41 *The Serious Organised Crime and Police Act 2005, c. 15, Part 5, Protection of activities of certain organisations, Section 145*. <http://www.legislation.gov.uk/ukpga/2005/15/section/145>

42 Kirtley was later released on appeal. See Corporate Watch, 'Sean Kirtley freed after sixteen months in prison', *Corporate Watch Latest News*, 16 October, 2009. <http://www.corporatewatch.org/?lid=3434>

43 Corporate Watch, 'Political Sentences handed down in second SHAC trial', *Corporate Watch Latest News*, 10 November, 2010. *<http://www.corporatewatch.org/?lid=3830>*

44 Several animal rights campaigners have been restricted from making contact with other animal rights activists and ASBOs handed down to SHAC campaigners could be interpreted to restrict them from speaking publicly against vivisection.

45 See *Repeal-SOCPA.info.* <http://www.repeal-socpa.info/index.html>

46 *Police Reform and Social Responsibility Act 2011, 2011, c. 13, Part 3*. <http://www.legislation.gov.uk/ukpga/2011/13/part/3/enacted>

47 *The Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) (Amendment) Order 2012, No 1769, Article 2*. <http://www.legislation.gov.uk/uksi/2012/1769/article/2/made>

48 *Legal Aid, Sentencing and Punishment of Offenders Act 2012, c. 10, Part 3, CHAPTER 9, Offence of squatting in a residential building, Section 144*. <http://www.legislation.gov.uk/ukpga/2012/10/section/144/enacted>

49 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012), p. 14. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

50 Ibid.

51 Corporate Watch, 'Farewell to NETCU: a brief history of how protest movements have been targeted by political policing', *Corporate Watch Latest News*, 19 January, 2011. <http://www.corporatewatch.org/?lid=3868>

52 Understanding Animal Research, 'Outlawing animal rights extremism'. <http://www.understandinganimalresearch.org.uk/policy/animal-rights-extremism/outlawing-animal-rights-extremism/>

53 Ibid.

54 Ibid.

55 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012), p. 5. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-

provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

56 See Companies House, 'WebCheck – Select and Access Company Information'. <http://wck2.companieshouse.gov.uk/510fdd06d9f82e9e272725a6e6c130a4/compdetails>. The Association of Chief Police Officer's company number is 03344583.

57 ACPO, *Full Accounts Made up to 31/03/11 for the Association of Chief Police Officers of England, Wales and Northern Ireland (Company No. 03344583)*, accessed via Companies House, November 2012.

58 What Do They Know.com, 'Freedom of Information Requests to National Extremism Tactical Coordination Unit'. <http://www.whatdotheyknow.com/body/netcu>

59 Association of Chief Police Officers, 'Freedom of Information (FOI) Requests'. <http://www.acpo.police.uk/FreedomofInformation/ACPOpublicationsFoI.aspx>

60 What Do They Know.com, 'Freedom of Information Requests to National Extremism Tactical Coordination Unit'. <http://www.whatdotheyknow.com/body/netcu>

61 Tom Griffin, 'Mission Creep: How the ACPO empire hyped eco-terrorism', *OurKingdom, power and liberty in Britain*, 16 January 2011. <http://www.opendemocracy.net/ourkingdom/tom-griffin/mission-creep-how-acpo-empire-hyped-eco-terrorism>

62 HM Inspectorate of Constabulary (HMIC), 'Chapter 1. Assessing the Risk of Disorder', *Keeping the Peace: Policing Disorder*, (1999) p. 3. <http://www.nationalarchives.gov.uk/ERORecords/HO/421/2/P2/HMIC/disord1.pdf>

63 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012) p. 5. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

64 Authors experience of the policing of the Smash EDO campaign 2004-12.

65 Powerbase, a project of Spinwatch, 'National Extremism Tactical Coordination Unit', *The Counter-Terrorism Portal*. <http://www.powerbase.info/index.php/National_Extremism_Tactical_Coordination_Unit>

66 Ibid.

67 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012), p. 11. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

68 This is a summary of information viewed by the author on www.netcu.org.uk from 2004-2009; the website is currently unavailable and is not accessible via archive.org.

69 Association of Chief Police Officers, 'National Domestic Extremism Unit'. <http://www.acpo.police.uk/NationalPolicing/NationalDomesticExtremismUnit/Default.aspx

70 The original *Times* article is no longer available online. However it was reposted by Anonymous, 'Anti-war activists adopt guerilla tactics of animal rights campaign', *Infoshop News*, 12 April, 2005.<http://news.infoshop.org/article.php?story=20050412195003515>

71 Ibid.

72 Ibid.

73 Malthusianism refers primarily to ideas derived from the writings of Reverend Thomas Robert Malthus, as laid out initially in his *An Essay on the Principle of Population*, 1798. Advocates of population control schemes are often referred to as neo-Malthusian.

74 Corporate Watch, 'Whose agenda do reports of 'eco-terrorism' serve?', *Corporate Watch Latest News*, 30 November, 2008. <http://www.corporatewatch.org/?lid=3179>

75 'INTER-NETCU: As Government Agency Caught Infiltrating Activist Media Outlet', *Schnews 755*, 21 January, 2011. <http://www.schnews.org.uk/archive/news755.php>

76 The NDET were involved in house visits and raids of activists houses after the 2009 decommissioning of the EDO MBM arms factory; authors experience of the policing of the Smash EDO campaign 2004-12.

77 Corporate Watch, 'Farewell to NETCU: a brief history of how protest movements have been targeted by political policing', *Corporate Watch Latest News*, 19 January, 2011. <http://www.corporatewatch.org/?lid=3868>

78 Ibid.

79 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012), p. 6. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

80 Ibid.

81 *Crime and Disorder Act 1998, c. 37, Part I, Chapter I, Crime and disorder: general, Section 1*. <http://www.legislation.gov.uk/ukpga/1998/37/section/1>

82 Ibid.

83 'About ASBOs', *Anti-Social Behavioural Orders*. <http://www.asbos.co.uk/AboutASBOs.aspx>

84 Matt Foot, 'A Triumph of hearsay and hysteria', *The Guardian*, 5 April, 2005. <http://www.guardian.co.uk/politics/2005/apr/05/ukcrime.prisonsandprobation>

85 Ministry of Justice, *Statistical Notice: Anti-Social Behaviour Order (ASBO) Statistics England and Wales 2010*, 30 October, 2011. <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/asbo-stats-england-wales-2010/asbo10snr?view=Binary>

86 Corporate Watch, 'How the state protects corporations from dissent: jailed SHAC activists receive indefinite ASBOs', *Corporate Watch Latest News*, 29 January, 2009. <http://www.corporatewatch.org/?lid=3194>

87 Justice Statistics Analytical Services within the Ministry of Justice, 'Anti-Social Behaviour Order Statistics – England and Wales 2008', p. 15. <http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs10/asbo2008.pdf>

88 Simon Rogers, 'The Poverty Maps of England', *The Guardian*, 6 March, 2012. <http://www.guardian.co.uk/news/datablog/interactive/2012/mar/06/poverty-map-england-experian>

89 Metrowebukmetro, 'Asbos "badge of honour" for yobs', *The Metro*, 2 November, 2006. <http://www.metro.co.uk/news/23530-asbos-badge-of-honour-for-yobs>

90 'Asbos to be abolished under new Government plans', *Channel 4 News*, 7 February, 2011. <http://www.channel4.com/news/asbos-to-be-abolished-under-new-government-plans>

91 John Hall, 'Theresa May reveals "community trigger" to replace ASBOs and target anti-social behaviour', *The Independent*, 22 May, 2012. <http://www.independent.co.uk/news/uk/crime/theresa-may-reveals-community-trigger-to-replace-asbos-and-target-antisocial-behaviour-7777600.html>

92 *Protection from Harassment Act, 1997, c. 40, Table of Contents*. <http://www.legislation.gov.uk/ukpga/1997/40/contents>

93 *Protection from Harassment Act, 1997, c. 40, England and Wales, Section 2*. <http://www.legislation.gov.uk/ukpga/1997/40/section/2>

94 Lawson-Cruttenden & Co., 'Harassment & Stalking'. <http://www.lawson-cruttenden.co.uk/practice-areas/harassment-stalking>

95 This precedent was partly set by this ruling: House of Lords, *Opinions of the Lords of Appeal For Judgment in the Cause – Majrowski (Respondent) v. Guy's and St. Thomas' NHS Trust (Appellants),* [2006] UKHL 34, 12 July, 2006. <http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060712/majro-1.htm#1>

96 For more on this see Corporate Watch, 'Corporate Law and Structures: Exposing the roots of the problem', 2004. <http://www.corporatewatch.org.uk/?lid=2592>

97 All of these were imposed in the interim injunction granted to EDO MBM. See *EDO MBM Technology v Campaign to Smash EDO & Others*, [2005] EWHC 837 (QB) 2005 WL 3661971. <http://www.smashedo.org.uk/resources/gross%27s%20judgement.pdf>

98 Smash EDO, 'Bomb Builders Drop Injunction', 10 February, 2006. <http://www.smashedo.org.uk/pressreleases/06-02-10.htm>

99 Ibid.

100 'Legal injunction granted to Huntingdon Life Sciences', Case No. HOO3X01149. <http://www.legalinjunction.com/hls/hls.html>

[101] For a list of cases brought by Timothy Lawson-Cruttenden see, 'Lawson-Cruttenden & Co., 'Key Cases'. <http://www.lawson-cruttenden.co.uk/index.php/key-cases/>
[102] Paul Lewis and Rob Evans, 'High court injunction – the weapon of choice to slap down protests', *The Guardian*, 27 October, 2009. <http://www.guardian.co.uk/uk/2009/oct/27/high-court-injunctions-protests>
[103] 'Legal injunction granted to Huntingdon Life Sciences', Case No. HOO3X01149. <http://www.legalinjunction.com/hls/hls.html>
[104] *EDO MBM Technology v Campaign to Smash EDO & Others*, [2005] EWHC 837 (QB) 2005 WL 3661971. <http://www.smashedo.org.uk/resources/gross%27s%20judgement.pdf>
[105] See the Smash EDO Campaign film, *On the Verge*, Schmovies, 2008. <http://www.schnews.org.uk/schmovies/index-on-the-verge.htm>
[106] 'Putting on the writs', *Schnews 581*, 23 March, 2007. <http://www.schnews.org.uk/archive/news581.htm>
[107] 'Climate activists fight injunction', *The Guardian*, 27 July, 2007. <http://www.guardian.co.uk/environment/2007/jul/27/activists.travelandtransport>
[108] *Eurosatory: Land and Airland Defence and Security*, <http://www.eurosatory.com/#/home>
[109] Alex Chitty and Kylie Bull, 'Predicting a riot', *'Eurosatory 2012 News,* 12 June, 2012.<http://www.ihs.com/events/exhibitions/eurosatory-2012/news/jun-12/english/Predicting-a-riot.aspx>
[110] Paul Lewis, 'Every step you take: UK underground centre that is spy capital of the world', *The Guardian*, 2 March, 2009. <http://www.guardian.co.uk/uk/2009/mar/02/westminster-cctv-system-privacy>
[111] 'Brief account of Resisting FIT at DSEi public meeting', *Fitwatch.* <http://www.fitwatch.org.uk/2007/07/01/brief-account-of-resisting-fit-at-dsei/>
[112] See www.fitwatch.org.uk for general information about FITs.
[113] 'Who are the police spying on? A spotter card revealed, *The Guardian*, 27 October, 2009. <http://www.guardian.co.uk/uk/interactive/2009/oct/27/police-spotter-cards-revealed?INTCMP=ILCNETTXT3487>
[114] 'Spotter cards: What they look like and how they work', *The Guardian*, 25 October, 2009. <http://www.guardian.co.uk/uk/2009/oct/25/spotter-cards>
[115] Police disclosure to C Osmond in Regina V. Saibene and others.
[116] Authors experience of the policing if the Smash EDO campaign, 2004-12.
[117] 'Fitwatch at Carnival Against the Arms Trade', *Fitwatch.* <http://www.fitwatch.org.uk/2008/05/27/fitwatch-at-carnival-against-arms-trade/>
[118] Data disclosed to the defendants in Regina V. Saibene and others.
[119] HMIC, 'Policing protests reviews: Adapting to Protest', published 7 July, 2009. <http://www.hmic.gov.uk/inspections/policing-protest-review/>

120 Author's direct observation.
121 Accessed in September 2012 but is no longer available online.
122 Ibid.
123 Tom Anderson and Val Swain in conversation with PLOs in Brighton, 3 June, 2012.
124 Palestine Solidarity Campaign, 'Emergency Meeting: Harsh Sentencing of Gaza Protestors is clearly "Political"', *PSC News*. <http://www.palestinecampaign.org/index7b.asp?m_id=1&l1_id=4&l2_id=24&Content_ID=1176>
125 Simon Hattenstone and Matthew Taylor, 'Sent to jail for throwing a single bottle', *The Guardian,* 13 March 2010. <http://www.guardian.co.uk/theguardian/2010/mar/13/gaza-protesters-sent-prison>
126 Harmit Athwal, 'Gaza Protesters Defence Campaign launched', *Institute of Race Relations - Comment*, 12 March, 2010. <http://www.irr.org.uk/news/gaza-protesters-defence-campaign-launched/>
127 Dr. Hanan Chehata, 'Harsh sentences seem more likely to deter lawful protest rather than violent disorder', *Middle East Monitor*, 16 February, 2010. <http://www.middleeastmonitor.com/articles/62-europe/677-harsh-sentences-seem-more-likely-to-deter-lawful-protest-rather-than-violent-disorder>
128 Dr. Hanan Chahata, 'Gaza protesters to be sentenced despite allegations of police brutality', *Islamic Human Rights Commission*, 10 February, 2010. <http://www.ihrc.org.uk/news/articles/9228-gaza-protesters-to-be-sentenced-despite-allegations-of-police-brutality>
129 Palestine Solidarity Campaign, 'Emergency Meeting: Harsh Sentencing of Gaza Protestors is clearly "Political"', *PSC News*. <http://www.palestinecampaign.org/index7b.asp?m_id=1&l1_id=4&l2_id=24&Content_ID=1176>
130 Harmit Athwal, 'Gaza Protesters Defence Campaing launched', *Institute of Race Relations - Comment*, 12 March, 2010. <http://www.irr.org.uk/news/gaza-protesters-defence-campaign-launched/>
131 Arun Kundnani, 'IRR expresses concern over excessive sentencing of Bradford rioters', *Institute of Race Relations – Press Release*, 5 July, 2002. <http://www.irr.org.uk/news/irr-expresses-concern-over-excessive-sentencing-of-bradford-rioters/>
132 Ibid.
133 Sean Coughlan, 'How the student fees protest turned violent', *BBC News*, 10 November, 2010. <http://www.bbc.co.uk/news/education-11729912>
134 John Domokos, Matthew Taylor and Richard Sprenger, 'Student protesters turn on abandoned police van', *The Guardian*, 24 November, 2010. <http://www.guardian.co.uk/education/video/2010/nov/24/student-protests-turn-ugly>
135 Michael White, 'Student protests: this time, police came prepared as anger

boils over', *The Guardian,* 10 December, 2010. <http://www.guardian.co.uk/education/2010/dec/10/student-protests-police-come-prepared>

136 P. Nutt, 'Oxford Street Topshop Attacked by Students After Tuition Fees Vote', *Demotix.com*, 9 November, 2010. <http://www.demotix.com/news/533015/oxford-street-topshop-attacked-students-after-tuition-fees-vote>

137 Kevin Schofield and James Clench, 'Charles and Camilla's car is attacked in London as students protest', *The Sun*, 4 November, 2010. <http://www.thesun.co.uk/sol/homepage/news/3268159/Charles-Camillas-car-is-attacked-in-London-as-students-protest.html>

138 Legal Defence and Monitoring Group, 'Sentencing Summary from recent Student and Anti-Cuts Protests', http:ldmg.org.uk/, 2 March, 2012. <http://ldmg.org.uk/files/sentencing_summary.pdf>

139 Ibid.

140 'One in five jailed rioters let out of prison early', *The Guardian*, 18 August, 2012. <http://www.guardian.co.uk/uk/2012/aug/18/one-in-five-rioters-prison-early>

141 Owen Bowcott, Haroon Siddique and Andrew Sparrow, 'Facebook cases trigger criticism of "disproportionate" riot sentences', *The Guardian*, 17 August, 2011. <http://www.guardian.co.uk/uk/2011/aug/17/facebook-cases-criticism-riot-sentences?intcmp=239>

142 Owen Bowcott and Stephen Bates, 'Riots: magistrates advised to disregard normal sentencing', *The Guardian*, 15 August, 2011. <http://www.guardian.co.uk/uk/2011/aug/15/riots-magistrates-sentencing>

143 Ibid.; Owen Bowcott, Haroon Siddique and Andrew Sparrow, 'Facebook cases trigger criticism of "disproportionate" riot sentences', *The Guardian*, 17 August, 2011. <http://www.guardian.co.uk/uk/2011/aug/17/facebook-cases-criticism-riot-sentences?intcmp=239>

144 Owen Bowcott and Stephen Bates, 'Riots: magistrates advised to disregard normal sentencing', *The Guardian*, 15 August, 2011. <http://www.guardian.co.uk/uk/2011/aug/15/riots-magistrates-sentencing>

145 Quoted in Pierre Tristram, 'Full Text: President Bush's Declares "War on Terror"', *About.com: Middle East Issues*, 20 September, 2001. <http://middleeast.about.com/od/usmideastpolicy/a/bush-war-on-terror-speech.htm>

146 Ibid.

147 Ibid.

148 HM Inspectorate of Constabulary (HMIC), *A review of national police units which provide intelligence on criminality associated with protest*, (2012), p. 11. <http://www.hmic.gov.uk/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf>

149 Ibid.

150 *Terrorism Act 2000, c. 11, Schedule 7.*

<http://www.legislation.gov.uk/ukpga/2000/11/schedule/7>

151 Rizwaan Sabir, 'Schedule 7: A law unto itself', *Cage Prisoners*, 14 July, 2010. <http://www.cageprisoners.com/our-work/opinion-editorial/item/310-schedule-7-a-law-unto-itself>

152 'Anti-Terrorism statistics', *Institute of Race Relations*. <http://www.irr.org.uk/research/statistics/anti-terror/>

153 IMCista, 'You don't have the right to silence', *Indymedia UK*, 17 April, 2008. <http://www.indymedia.org.uk/en/2008/04/396863.html>

154 Author's personal experience.

155 Author's interviews with International Solidarity Movement activists, March 2010.

156 Anarchist Federation, 'Anarchists Detained by Counter-Terrorism Police', *Indymedia UK*, 16 August, 2008. <http://www.indymedia.org.uk/en/2012/08/499056.html?c=on>

157 Author's interview with Chris Kitchen, November 2012.

158 Author's personal experience.

159 *Terrorism Act 2000, c. 11, Part V, Suspected Terrorists, Section 41*. <http://www.legislation.gov.uk/ukpga/2000/11/section/41>

160 *Terrorism Act 2000, c. 11, Part V, Power to stop and search, Section 44*. <http://www.legislation.gov.uk/ukpga/2000/11/section/44>

161 *Terrorism Act 2000, c. 11, Part II, Offences, Section 11*. <http://www.legislation.gov.uk/ukpga/2000/11/section/11>

162 *Terrorism Act 2000, c. 11, Schedule 8*. <http://www.legislation.gov.uk/ukpga/2000/11/schedule/8>

163 *Terrorism Act 2006, c. 11, Part 1, Encouragement etc. of terrorism*. <http://www.legislation.gov.uk/ukpga/2006/11/part/1/crossheading/encouragement-etc-of-terrorism>

164 *Anti-terrorism, Crime and Security Act 2001, c. 24, Part 11*. <http://www.legislation.gov.uk/ukpga/2001/24/part/11>

165 *Terrorism Act 2000, c. 11, Part V, Power to stop and search*. <http://www.legislation.gov.uk/ukpga/2000/11/part/V/crossheading/power-to-stop-and-search>

166 'Section 44 Terrorism Act', *Liberty*. <http://www.liberty-human-rights.org.uk/human-rights/justice/stop-and-search/section-44/index.php>; and 'Anti-Terrorism statistics', *Institute of Race Relations*. <http://www.irr.org.uk/research/statistics/anti-terror/>

167 Alan Travis, 'Stop and search powers illegal, European court rules', *The Guardian,* 12 January, 2010. <http://www.guardian.co.uk/world/2010/jan/12/stop-and-search-ruled-illegal>

168 Philip Johnston, 'The police must end their abuse of anti-terror legislation', *The Telegraph*, 3 October 2005. <http://www.telegraph.co.uk/comment/personal-view/3620110/The-police-must-end-their-abuse-of-anti-terror-legislation.html>

169 'Section 44 Terrorism Act', *Liberty*. <http://www.liberty-human-rights.org.uk/human-rights/justice/stop-and-search/section-44/index.php>
170 *Criminal Justice Act 2003, c. 44, Part 13, Detention of suspected terrorists, Section 306*. <http://www.legislation.gov.uk/ukpga/2003/44/section/306>
171 *Terrorism Act 2006, c. 11, Part 2, Detention of terrorist suspects, Section 23*. <http://www.legislation.gov.uk/ukpga/2006/11/section/23>
172 *Protection of Freedoms Act 2010-12 – Progress of the Bill*. <http://services.parliament.uk/bills/2010-12/protectionoffreedoms.html>
173 Gavin Berman and Alexander Horne, 'Pre-Charge Detention in Terrorism Cases – Commons Library Standard Note, *UK Parliament Standard notes*, 16 March, 2012. <http://www.parliament.uk/briefing-papers/SN05634>
174 *Anti-terrorism, Crime and Security Act, 2001, c. 24, Table of Contents*. <http://www.legislation.gov.uk/ukpga/2001/24/contents>
175 Denise Winterman, 'Belmarsh – Britain's Guantanamo Bay?', *BBC News* , 6 October, 2004. <http://news.bbc.co.uk/1/hi/magazine/3714864.stm>
176 'Eight terror detainees released', *BBC News*, 11 March, 2005. <http://news.bbc.co.uk/1/hi/uk/4338849.stm>
177 *Prevention of Terrorism Act 2005, c. 2, Control Orders*. <http://www.legislation.gov.uk/ukpga/2005/2/crossheading/control-orders>
178 Ibid.
179 *Terrorism Prevention and Investigation Measures Act 2011, c. 23, New regime to protect the public from terrorism, Section 1*. <http://www.legislation.gov.uk/ukpga/2011/23/section/1>
180 Andy Worthington, 'Ruling sends message on control orders', *The Guardian*, 28 July, 2010. <http://www.guardian.co.uk/commentisfree/libertycentral/2010/jul/28/court-ruling-sends-message-control-orders>
181 For example, see Rajeev Syal and Owen Bowcott, 'Guantánamo Bay detainee says interrogation record was blanked', *The Guardian*, 18 July, 2010. <http://www.guardian.co.uk/world/2010/jul/18/guantanamo-bay-interrogation-detainee>
182 'UK government "approved Abdel Hakim Belhaj's rendition"', *BBC News*, 9 April, 2012. <http://www.bbc.co.uk/news/uk-17651797>
183 Mark Townsend, 'GCHQ civilian staff face war crimes charge over drone strikes in Pakistan', *The Guardian*, 11 March, 2012. <http://www.guardian.co.uk/world/2012/mar/11/gchq-staff-war-crimes-drones>
184 Martin Melaugh, 'Internment – Summary of Main Events', *CAIN Web Service*. <http://cain.ulst.ac.uk/events/intern/sum.htm>
185 Richard Hartley-Parkinson, 'No stone unturned: The massive operation to protect Prince William and Kate along the royal wedding route', *The Daily Mail*, 19 April, 2011. <http://www.dailymail.co.uk/news/article-1378387/Royal-Wedding-route-Security-operation-protect-Prince-William-Kate-Middleton.html>

186 Ibid.
187 Ministry of Defence, 'Military path-liners for Royal Wedding named', *People in Defence*, 28 April, 2011. <http://www.mod.uk/DefenceInternet/DefenceNews/PeopleInDefence/MilitaryPathlinersForRoyalWeddingNamed.htm>
188 Traci Watson, 'Despite "severe" terrorist threat, London police vow safe royal wedding', *USA Today*, 27 April, 2011. <http://www.usatoday.com/life/people/2011-04-27-london-threat_N.htm>
189 Mike Sullivan, 'Poppy burning Muslim fanatics vow to hijack the Royal Wedding', *The Sun*, 29 March, 2011. <http://www.thesun.co.uk/sol/homepage/news/3496166/Poppy-burning-Muslim-fanatics-vow-to-hijack-the-Royal-Wedding.html>
190 Max Pemberton and Neil Tweedie, 'The secret threat to the royal wedding', *The Telegraph*, 23 April, 2011. <http://www.telegraph.co.uk/news/uknews/royal-wedding/8468814/The-secret-threat-to-the-royal-wedding.html>
191 'Tube strike threat on royal wedding day', *BBC News London*, 10 January, 2011. <http://www.bbc.co.uk/news/uk-england-london-12153653>
192 Metrowebukmetro, 'Stop-and-search at royal wedding to stop anti-cuts protest anarchists', *The Metro*, 28 March, 2011. <http://www.metro.co.uk/news/859275-stop-and-search-at-royal-wedding-to-stop-anti-cuts-protest-anarchists#ixzz25XlDSvrV>
193 'Man arrested in Cambridge for royal wedding protest plan', *BBC News*, 29 April, 2011. <http://www.bbc.co.uk/news/uk-england-cambridgeshire-13237702>
194 Sandra Laville, 'Police raid five squats before royal wedding', *The Guardian*, 28 April, 2011. <http://www.guardian.co.uk/uk/2011/apr/28/police-raid-squats-royal-wedding>
195 Ibid.
196 Daniela Relph, 'Diamond Jubilee: Military parade tribute to Queen', *BBC News*, 19 May, 2012. <http://www.bbc.co.uk/news/uk-18132607>
197 Daily Mail Reporter, '6,000 police put on terror watch to protect Royals',*The Daily Mail*, 2 June, 2012. <http://www.dailymail.co.uk/news/article-2153890/Diamond-Jubilee-Thames-Pageant-6-000-police-terror-watch-protect-Royals.html>
198 Jason N. Parkinson and Rob Evans, 'Sussex police criticised for harassment during protester liaison', *The Guardian*, 4 September, 2012. <http://www.guardian.co.uk/uk/2012/sep/04/sussex-police-criticised-harassment-protester-liaison>
199 Corporate Watch, 'Security Games: Surveillance, repression and activism around the London 2012 Olympics', *Corporate Games: The Corporate Olympic Games in 2010*, 27 July, 2012. <http://www.corporatewatch.org.uk/?lid=4467>
200 Corporate Watch, 'Soldiers trained in snatch squad tactics for the Olympics', *Corporate Watch Latest News,* 6 July, 2012.

<http://www.corporatewatch.org/?lid=4389>

201 Shiv Malik, 'Critical Mass arrests: police charge three', *The Guardian*, 29 July, 2012. <http://www.guardian.co.uk/uk/2012/jul/29/critical-mass-police-arrest-three>

202 Tony Blair, Speech given in Glasgow, 15 February, 2003, quoted in Chris Atkins, dir. *Taking Liberties*, (2007). <http://www.youtube.com/watch?v=xV2LlcmAOpw&feature=relmfu>